

Remarks

Claims 5-8 and 13-16 are indicated to recite allowable subject matter. Applicants appreciate the recognition of allowable subject matter in the present application.

Applicants hereby add claims 30-35 and cancel claims 5 and 13. Accordingly, claims 1-4, 6-12, and 14-35 are pending in the present application.

Claims 1-4, 10-12, 18-20, and 22-28 stand rejected under 35 USC 102(e) for anticipation by Yang. Claims 9, 17, 21, and 29 stand rejected under 35 USC 102(e) for anticipation by or, in the alternative under 35 USC 103(a) for obviousness over Yang.

Applicants respectfully traverse the rejections and urge allowance of the present application.

Claim 1 includes the limitations of previously pending claim 5 which was indicated to recite allowable subject matter. Claim 1 is believed to be allowable in view of the indication of allowable subject matter in the Office Action. Allowance of claim 1 is respectfully requested.

The claims which depend from independent claim 1 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Claim 11 includes the limitations of previously pending claim 13 which was indicated to recite allowable subject matter. Claim 11 is believed to be allowable in view of the indication of allowable subject matter in the Office Action. Allowance of claim 11 is respectfully requested.

The claims which depend from independent claim 11 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Claim 19 recites an automatic remote firmware update mechanism adapted to *sense a condition of the printer* and to selectively and *automatically retrieve firmware upgrade information from the remote device via the communications device responsive to the sensed condition comprising a defined state*. Yang is void of any teaching or suggestion of retrieving firmware upgrade information responsive

to the sensing of the condition of the printer comprising a defined state as positively-recited.

Referring to the flow chart of Fig. 2 of Yang, the *computer 103 provides the printer firmware to the input port of the printer regardless of operations of the printer*. More specifically, step 216 forwards the firmware after the execution of a general function at step 212. At step 201, firmware is also sent to the input port of the printer from the computer. Accordingly, regardless of any operation of the printer, the computer 103 of Yang forwards the firmware to the input port of the printer at step 201 or 216. Yang fails to disclose or suggest the claimed *retrieval of firmware upgrade information from the remote device or the claimed retrieval responsive to the sensed condition comprising a defined state*. Positively-recited limitations of claim 19 are not disclosed nor suggested by the prior art and claim 19 is allowable for at least this reason.

The claims which depend from independent claim 19 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

For example, referring to claim 30, Yang is void of any disclosure or suggestion of *retrieving firmware upgrade information responsive to a page count of the printer reaching a defined number* as claimed. Claim 30 is allowable for at least this reason.

Referring to claim 31, Yang is void of any disclosure or suggestion of *retrieving firmware upgrade information responsive to a passage of time reaching a defined duration* as claimed. Claim 31 is allowable for at least this reason.

Referring to claim 32, Yang discloses receiving the new printer firmware from the computer 103 which receives the new printer firmware from a remote server 100 which is the source of the firmware as set forth in col. 2, lines 52-57 of Yang. Yang fails to disclose or suggest *retrieval of firmware by a printer directly from an originating source of the firmware* as recited in claim 32. Claim 32 is allowable for this additional reason.

Referring to claim 22, the claimed printer comprises circuitry configured to initiate communication with a source to automatically request and access additional firmware from the source. Yang discloses server 100 providing new firmware to a

computer 103 which makes the firmware available to the input port of the printer at a step 201 or a step 216. Yang fails to disclose or suggest any initiation of a communication by the printer with respect to firmware. Further, Yang fails to disclose or suggest initiation of a communication by the printer with a source to request and access additional firmware from the source. Numerous positively-recited limitations of claim 22 are not disclosed nor suggested by Yang and claim 22 is allowable for at least this reason.

The claims which depend from independent claim 22 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Support for the new claims is provided at least at Figs. 1 and 2 and the associated specification teachings of the originally-filed application.

Applicants respectfully request allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,
Chris Weyand
Robert M. Ring

By: _____

James D. Shaurette

Reg. No. 39,833

Date: _____

12/28/04